## Small Diversions.

Two little incidents in the court-rocuring the day relieved the tension som

## THE DAY'S PROCEEDINGS. Crowd Awaits the Opening of

## the Court-Room Doors.

he had reached the center of the bar, He was followed by the officers as usual; For a moment he stood up, shook hands with Mr. Coleman and held a brief wais-pored conversation with him. Then he sait down in his old prace, pared his nails and twisted his heavy mountache. The hand misefa to his face carried a big seal ring.

## Session Opens.

Session Opens.

As soon as the attorneys for the prosecution arrived the preliminary work was completed and the session proper began. The name of Mr. Marshall Diswiddle, a member of the Medica family, was called. With the witness came in three ladies—Mrs. Diswiddle, Mrs. B. D. McCue and a claim of the accused. McLue kiesed such. Tears dimmed the cyes of all. These three and McCur's abive seemed particularly affected. All said down around the prisoner and the family group made a striking scene. A husb of respect for the grief of the little party fell over the court-room.

Arr. Dinwiddle stated that he was fifty-sight years of sg. He had married an guat of the accused. At the present time witness lived in the house of Samuel McCue. His residence was some distance off. Proceeding Mr. Dinwiddle west on to tell everything he knew about the mirror.

"On my way to church, when I got tear Dr. Nelson's, I saw Mrs. McCue.

went on to tell everything he knew about the murder.

"On my way to church, when I got hear Dr. Nelson's, I saw Mrs. McCue cross the street in front of me, going over to the street leading to the Presephyterian Church. Near the Baptist Church she tost a nearo man whom she acopted and to whom she said something. I spoke to her and had passed by 1 I few steps when she called me and said.



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"Cin Monday afternoon."
"Between the time you arrived at the house Sunday afternoon, when the body was placed in the casket, the accused did not see his wife."
"Not to my broad and."

In Woods, turning to Mr. Lee. "Stand askie, Charles," said M briefly.
After a brief delay the examination of the casket, the accused did not see his wife."

"Not to my broad and."

the easket, the necused did not see his wife"

"Not to my knowledge."

Under the cross-examination of Mr. Lee Mr. Dinviddle reletanted much that he had already said. When he saw Mr. and Mrs. McCue going from church on the fatal Sunday night he noticed nothing unusual about them. They were apparently cordial and on the best of terms.

"Where was the body when you reached the house?" asked Mr. Lee.

"In the boy's room."

"It had been taken there and laid out on the bed?"

"Old you at any time assist in handling the body?"

"Not until after the examination."

"What was the condition of the bed clothes? Was there any blood present?"

"A great deal. The bed clothes were saturated and the night-gown was in the same condition."

"You handled the hight-gown was in the same condition."

ordition "You handled the body, you say?"
"Yes, slr."
"Did you get any blood on your hands;"
"A great deal."

The Bloody Undershirt.

"Now tell us anything you know about the undershirt Mr. McCue wore," "I was told that the officers wanted

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"No, sir."
"What else happened?"
"Mr. Blery, the undertaker, took the shirt and the night gown and wrapped

coffin of his dead wife.

"What was the character of Mr. Mc-Cue's emotion?" asked Mr. Lee,

"There was nothing unusual about it. He acted much as any other man in his position would have done.

Mr. Lee relinquished the witness and Captain Woods developed the fact that Mr. Dinwiddie, with his bloody hands, had not fingered the shirt but had merely held it an instant and passed it on to Biery, who rolled it up on the spot.

Negro on Stand.

Negro on Stand. The negro, Charles A. Skinner, took the stand. He is black as night with a solid rim of white around his beady

"Was it the voice of a woman or "A woman, I think."

"Did you hear the voice of a man?"
"No, sir,"

fe as she had lived. When the body is in the codin! went to him again, it is in the codin! went to him again, it is time he went to see the body and is time he went to see the body and wit overal times after that."

"The witness is with you," said Captain Woods, turning to Mr. Lee, "It and wide, Charles," said Mr. Lee is "Between the time you arrived at the use Sunday right, then, and Monday ternoon, which the body was placed in was resumed. Skinner was recalled a moment and answered a few unimportance of the consist the accused did not see his

# Dr. Early Testifies.

Dr. J. E. Early, a physician, then took the stand.

Witness stated that he learned of the homiside of epiember 4th just after he had retired. Hearing a police whistle blowing, he got up and went to the open window. Chambermaid gossip yelled across the street informed him that somebody had broken into McCue's house. Witness went back to bed. Whistle con-

somebody had broken into McCue's house, withess went back to bed. Whistle continued to blow and Dr. Early finally called up Sinckair's and learned that Mrs. McCue had been shot.

"I told my wife I would go down and sea if I could be of any asistance. I went into Sam McCue's bed chamber and saw him lying face down on the floor. William was on the bed. Dr. F. C. McCue came in shortly and said, "You look after William and I will look after Sam." I took William into another room and after I had quieted him, went back into Sam's I took William into another room and after I had quieted him, went back into Sam's room. He had gotten on the sofa.

Dr. McCue was preparing a hypodermic, which he told me Bam had refused to let him inject. He asked me to do it. Sam refused, saying flatly that he wooldn't take it. I think Dr. McCue put his instrumnts back in his pocket.

Proceeding, Dr. Early said he observed a slight abrasion on the cheek of McCue, but did not make a careful examination until the next day. The contusion was very slight. A careful examination of his head showed no bruise, abrasion or other evidence of injury.

McCue's Wound Slight.

## McCue's Wound Slight.

McCue's Wound Slight.

The wound on the face was comparable to that of a child who had fallen and skinned his knee in a sand-heap. There was no brube or discoloration and very little swelling.

It was in the boy's room that the witness first saw the body of Mrs. McCue. The coruse was then stretcher upon the bed. Witness examined the body for the coroner's jury. He gave an account of the wounds already explained in this paper. Death was caused by the gun shot wound. There was scarcely no blood on

Drs. Early and Venable at the sugges-tion of Commonwealth's Attorney Gli-mer. Upon this occasion Dr. Early infro-duced his finger into the cavity to ascer-

A blow from a sand-bag or any other instrumet would have left some trace

Mrs. McCue Choked. Early then referred to the finger-marks on the throat of Mrs. McCue. He said she had the appearance of having been

"Doctor," asked Captain Woods, "what would have been the effects of a heavy blow from any instrument on the face

and possibly a fractured bone."
"Did you observe any of these effects
upon Mr. McCue?"

and no discoloration. Captain Woods held up the bat.

"Could the injury upon Mr. McCue's face have been inflicted with a weapon such as this?" he asked.

"It could not."

# Her Death Instantaneous.

"Please state whether or not Mrs. Mc-Cue's death must have been instantaneous after receiving a wound such as you have described."
"Practically instantaneous; she may

ave taken one or two breaths."
"Did she have the power of locometion? I think she must have dropped in he

'Not over two feet."
'Do you know if Mr. McCue's nose was

# The Blood Spots.

cross-examination at once clinched portant statement about the bloody

than he had.

Then came the downfall of the witness-utter, awful, complete. His testiment with reference to the effects of a heavy blow upon the head by a sandbag or any other instrument had carried great weight as confiring what Dr. Venable said yesterday. Commonwealth stock was searing high.

Dr. Early Sand-Bagged. The slump came when Mr. Lee took up a stenographic report of the inquest. He read aloud the following question and answer from the testimony of Dr.

Carly:

Q. Just describe the character of the wounds you find on Mr. Sain Mc-Cue this morning and the effect these wounds would have?

"A. I can find no wound, except a slight, wound in the check and a slight contusion. I can find no wound on the head. The only conclusion I Early

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Dolk Miller Brug Company olk Miller-Childrey Co., can come to is that he must have been struck with a sand bag to have produced unconsciousness; if he had been struck on the head with a hard instrument it would have produced a wound and a contusion. The only conclusion I can come to is that he must have been struck with a sand-bag or some instrument of that character to have produced unconscious-

actor to have produced unconsciousness without causing a wound."
Mr. Lee leaned forward and looked
closely at the witness,
"Did you say that, Dr. Early?" he
asked.
"Yes, sir."
"Do you say so now?"
"No, sir."
"Why not?"
"Because I don't believe it now."
The attorneys for the defense smiled
and the crowd tittered. The court rapped for order.

"I don't believe McCue was ever ren-dered unconscious at all," said the wit-ness. "I may have thought then that a blow from a sand bug might have left no mark, but sluce thinking of, it, I do not believe it could. There would have to be some contusion."

"You believe there would have to be some contusion, Dr. 15arly?" asked Mr. Lee.

"Then listen to this, Dr. Early, I quote again from your testimony at the coroner's inquest:

"Dr Early, I agree with Dr. Venable that you might hit a man on the back of the head with a soft instrument and produce unconsciousness without a contusion."

"Now, Dr. Early, didn't you say that, didn't you receive for correction a copy of your testimony at the inquest, dion't you rend it carefully, and didn't you sign 1t?"

The witness was painfully embarrassed, For a full inoment he sat and no sound came from his lips. Finally Judge Morris leaned forward:

Did you or did you not make this state-ment and afterwards sign it?"

A number of other questions were leyed at the witness. He expressed the opinion that from the nature of the wound Mrs. McCuo must have been bend-

# THE AFTERNOON SESSION.

Time It Takes to Fill the McCue Bath Tub With Hot Water.

Bath Tub With Hot Water,
(Special from a Staff Correspondent.)
CHARLOTTESVILLE, VA., Oct. 26.—
Court reconvened promptly and was
soon back at work again. The crowd
was as large as ever or perhaps a bit
larger. The sun had disappeared behind
the clouds. The light in the room was not
of the best, though by no means had.
It was about 2.20 P. M. when the examination was resumed. Mr. C. L. De
Mott took the stand. He is the civil
engineer who was examined yesterday.
He slated that at the direction of Mr.
Gilmer he had visited the house of McCue this morning, turned on the ho-

The Undertaker. The next witness was Mr. Blery, the undertaker present at the McCue house of the night of the murder. He reached the residence between 10 and 11 P. M. and took charge of the body. Witness looked at the bloody shirt and dendified it as the one handed to blin by Mr. Diraylddie.

in it is the one handed to him by Mr. Dinwiddie.

"What did you do with the shirt?"

"I laid it on the foot of the bed."

"Was there any blood on the bed?"

"No; I laid it on the floor—the wood."

"No; I laid it on the floor—the wood."

"What did you do with it "

"I wrapped it up myself."

"How"

"How"

"Was it with the gown?"

"No, sir, it was in a bundle by itself."

"Well, what else did you do?"

"I took the shirt to my office and lacked it up until the next day. Mr. Glimer and Mr. Rogers sent for it, and I gave fit to them."

"Was there any blood on your hands when you received the shirt from Mr. Dinwidde?"

"No, sir, when I am at work on a body I always use water, and my rule is to wash my hands."

"Had you washed your hands this time?" asked a juryman.

"Yes, sir,"

"Yes, sir,"

In response to Inquiries by Captain Woods the undertaker said that while

"Yes, sir."

In response to Inquiries by Captain Woods the undertaker said that while washing the body on the night of the murder he had noticed the finger marks on the throat of the dead woman. These marks were plainer the next day. Witness said that he had seen nothing of McCue while he was handling the body. The first lime he saw the prisoner beside the body was when the corpse lay in the casket the next day.

Laughter in Court.

The cross-examination of the witness

the body was when the corpse lay in the casket the next day.

Laughter in Court.

The cross-examination of the witness provoked frequent laughter from the crowd and many sharp raps from the lench. Biery is a Dutchman, whose English is primitive and whose grasp of questions is none too ready. Some of his replies were unique.

"How long does it take you to embalm a body. Mr. Biery?" asked Mr. Lee.

"Sometimes longer than another time."

"How long these it take you to embalm a body. Mr. Biery?" asked Mr. Lee.

"Sometimes longer than another time."

"How lis that?" asked Mr. Lee.

"Yould you do that this time?"

"I couldn't say."

Touddn't say."

The cross-examination of the witness is a course of Mr. McCue. Captain Woous handed him the much discussed scrap of shirt. He recognized it.

"If was between 12 and 1 o'clock," he said. The was streened by himself. When Mr. Lee pointed out some discrepancies the man said he had signed his copy of the inquest testimony without reading it. He don't know whether he said he wrapped the mighting own up first and there has hirt up first; at another he said he wrapped the shirt up first; at another he said he wrapped the shirt up first; at another he said he wrapped the high has wrapped item separately.

Policeman's Testimony.

Poilceman's Testimony.

Por the next hour the court was busy with the testimony of 15. C. Grady, the police officer, whose name has ligured the prominently in the case. Grady was in the chief's office. The phone bell than a robber was in the house of Ban McCue. He dropped the recever and declar to the head of the bath-room?"

"Out at the court was the court was busy with the testimony of 15. C. Grady, the police officer, whose name has ligured that to the chest of his knowledge father to the court was busy with the testimony of 15. C. Grady, the police officer, whose name has ligured than a robber was in the house of Ban McCue. He dropped the recever and declar to the police officer, whose name has ligured to the declar to the head of the bath-room of the

For the next hour the court was busy the testimony of B. C. Grady, the police officer, whose name has ligured for ather prominently in the case. Gridy was in the chief's office. The phone bell wans and he answered it. He was told that a robber was in the house of Bam McCue. He dropped the recever and distard out.

"Whose voice was it you heard over the phone?" asked Mr. Lee. sometime. Whose voice was it you heard over phone?" asked Mr. Lee, sometime the phone?" asked Mr. J. Samuel Me-

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by broke 't and an exploded cart fell out. I asked him if there were other loads in it and he said there not. I did not examine the gun my. The boy said it was Mr. McCue:

and myself."
"The accused," said Grady, "was rational, but very much excited and apparently in great path. He told witness about the attack. He said he was in his bed-chamber, when he heard a rattle at the door. He weeled around, looked, and saw a tail dirty-looking white man, the fellow had the appearance of a rail-

"I have been told it was E. O. McCue's whistle,"
The witness bluried this out before the
half uttered objection of the defense
could stop him.
"Later by that night," added Grady,
"I heard the police whistel blow again, and
I went to it that time. That was E. O.
McCue's whistle."

"In your examination of the house,
what conditions did you observe?"
"A window in the parlor was open, and
two windows up stairs were open. The
door to the rear had been opened. The
negro boy teld me he had locked it the
night before."
"Was anything in the house broken?"

"What sort of light was in Mr. McCue' bed chamber" "A dim light."

# The Open Windows.

In the first stages of the cross-examination Mr. Lee referred to the open windows and drew from the witness the statement that there was nothing in any of them—flower pots or other obstructions—linat would prevent a man from going through. A window in little Ruby's room opened upon the roof of a back porch, beside which grew a locust tree that could easily be reached. A similar condition existed in the front. One of the front windows was open. From it a man could have stepped upon the roof of the front porch and reached a tree at the other end. There was thus at each end of the house, front and rear, a tree which might have assisted an intruder in reaching the ground. Besides these avenues of escape there were others. A man might have gone down the front stairway and out of the front door or through the parlor window, which was found open, or he might have gone down a back stairway that leads into the yard.

This statement by Grady of the case with which an intruder might have escaped from the McQue house was one of the strong points for the defense during the day—a pobyt eked from the evidence of the common wealth.

Scrap From Night Shirt.

Scrap From Night Shirt.

Oon. "Why did you go into the bath-room?" "To wash in blinds." "A number of people had been in and (Continued on Fifth Pagt.)

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